

BEFORE THE
ILLINOIS COMMERCE COMMISSION

COUNTIES OF SOUTHERN ILLINOIS)	
)	
Petition for authority to operate)	DOCKET NO.
a Regional Next Generation 911)	12-0094
Pilot Project System.)	

Tuesday, April 30, 2013

Springfield, Illinois

Met, pursuant to notice, at 9:00 a.m.

BEFORE :

JAN VON QUALEN & JOHN ALBERS, ALJS

APPEARANCES:

JOHN KELLY
1804 N. Naper Blvd.
Suite 350
Naperville, Illinois 60563

(Appearing on behalf of
Petitioner via teleconference.)

L.A. COURT REPORTERS, LLC, by
Laurel Patkes, Reporter
CSR #084-001340

1 APPEARANCES: (CONT'D.)

2 RICK HIRD

842 Louisiana Street

3 Lawrence, Kansas 66044

4 (Appearing on behalf of NG-911,
Inc. via teleconference.)

5

NANCY HERTEL

6 225 W. Randolph St.

Chicago, Illinois 60606

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(Appearing on behalf of AT&T
Illinois via teleconference.)

8

9 MATT JOHNSON

212 South Fourth Street

10 Springfield, Illinois 62701

11 (Appearing on behalf of Illinois
Telecommunications Association.)

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KAREN BOSWELL

13 104 West Mulberry Street

Normal, Illinois 61761

14

(Appearing on behalf of Frontier
Communications via
teleconference.)

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KELLY ARMSTRONG

17 MATTHEW HARVEY

160 N. LaSalle

18 Suite C-800

Chicago, Illinois 60601

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(Appearing on behalf of staff of
the Illinois Commerce Commission
via teleconference.)

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I N D E X

WITNESSES

DIRECT

CROSS

None

EXHIBITS

None.

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PROCEEDINGS

JUDGE VON QUALEN: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 12-0094. This docket concerns the petition of the Counties of Southern Illinois and their application for a certificate to operate a Regional Next Generation 911 Pilot Project System.

May I have the appearances for the record starting in Springfield?

MR. JOHNSON: Matt Johnson, Illinois Telecommunications Association, 312 South Fourth Street, Springfield, Illinois 62701.

MS. BOSWELL: Karen Boswell on behalf of Frontier Communications, 104 West Mulberry Street, Normal, Illinois 61761.

JUDGE VON QUALEN: And on the phone?

MR. KELLY: John Kelly, Naperville, Illinois on behalf of CSI.

MR. HARVEY: Appearing for the staff of the Illinois Commerce Commission, Matthew L. Harvey and Kelly A. Armstrong, 160 North LaSalle Street, Suite C-800, Chicago, Illinois 60601.

1 MS. HERTEL: Appearing on behalf of AT&T
2 Illinois, Nancy Hertel 225 west Randolph Chicago,
3 Illinois 60606.

4 MR. HIRD: Appearing on behalf of NG-911, Inc.,
5 Richard W. Hird of Petefish, Immell, Heeb & Hird, 842
6 Louisiana Street, Lawrence, Kansas 66044.

7 JUDGE VON QUALEN: Are there any others wishing
8 to enter an appearance?

9 Let the record show no response.

10 This matter comes on for a status
11 hearing today so would CSI give us an update on what
12 the status is?

13 MR. KELLY: Yes, Your Honor. John Kelly on
14 behalf of CSI.

15 Since the last status hearing on
16 April 3rd, CSI has been diligently working with
17 Frontier Communications in an effort to resolve many
18 of the issues that staff has questioned throughout
19 the proceeding both in meetings with staff and in
20 their pleadings specifically looking at issues of
21 call delivery and trunking arrangements, and as of
22 yesterday, CSI can report that many of those issues

1 have been resolved. There are new diagrams being
2 produced to address those issues. From CSI's
3 perspective, we think within another 30 days we will
4 be ready to submit those as an amendment to our plan
5 that is on file.

6 JUDGE VON QUALEN: Does anyone have anything to
7 add to that?

8 MR. HARVEY: Your Honor, this is Matthew L.
9 Harvey from the staff. Just per the judges'
10 instructions, we did file an ex parte report
11 regarding the, what I will characterize as the
12 template issues that we discussed at the last status.

13 JUDGE VON QUALEN: Thank you.

14 MR. KELLY: And, Your Honor, John Kelly again
15 on behalf of CSI. If I could follow up on that.

16 Based on the discussions that we had
17 at the last session on those template issues, I guess
18 CSI is looking for some clarification from Your Honor
19 as to Your Honors' or the judges' position on whether
20 or not continued efforts by CSI individual members to
21 submit plan modifications, if those are, in fact,
22 going to be viewed as part of this proceeding for

1 ex parte purposes.

2 I think the whole issue of the
3 template comments and staff's response to those
4 comments raise that question for us, and we'd
5 appreciate some clarification if that's Your Honors'
6 position just so we all know going forward.

7 JUDGE VON QUALEN: Let us just consult each
8 other for one minute and we'll respond.

9 MR. KELLY: Absolutely. Thank you.

10 (Whereupon an off-the-record
11 discussion transpired between
12 the Judges at this time.)

13 JUDGE VON QUALEN: We would say that to the
14 extent what you're doing in the other dockets you are
15 doing to address the issues that are raised in this
16 case or will address the issues that are raised in
17 this case, then, yes, they would be considered a part
18 of this docket or related to it.

19 MR. KELLY: Okay. Thank you, Your Honors. We
20 appreciate that, and that does give, I think
21 certainly gives CSI some guidance and hopefully staff
22 also.

1 The other issue, Your Honor, was on
2 the hearing on April 3rd, the judges had asked that
3 any discovery be done as soon as possible.

4 We have received no additional
5 discovery, and I'm wondering if it's appropriate that
6 we might have some discovery cutoff. Again, if we
7 file an amended plan, I understand that might change
8 things, but generally we would like to know what the
9 status is on that.

10 MR. HARVEY: Speaking for staff, Your Honor,
11 the reason we've done, you know, as I say, we have
12 done a fair amount of discovery to date primarily
13 based on what we've already seen. Obviously, if
14 there is an amendment to the plan or substantial
15 changes to it, we can't obviously, you know, stand on
16 what we already have promulgated.

17 MS. HERTEL: Your Honor, this is AT&T Illinois.

18 There's a document that was produced
19 in discovery, well, actually, now there's a
20 protective order in terms of confidentiality
21 treatment, and we are working with NG-911 on certain
22 sections of that in terms of whether it should be

1 deemed confidential.

2 I think we may have, I mean, we've
3 done a lot of discovery in this case as well. We
4 might have some discovery, not extensive, on the
5 contract, but I think it would be cleaner if we could
6 wait till we are able to negotiate and hopefully
7 resolve the issues with NG-911 so we'd have a better
8 idea of which discovery questions are being deemed
9 confidential or not confidential.

10 MR. HARVEY: Then, Your Honor, also I think to
11 some extent this has to be reciprocal. If there's
12 going to be a discovery cutoff date, I think it
13 should be based on a date certain by which CSI is to
14 produce sort of what I will characterize as last,
15 best, and final plan. That probably is a little too
16 colloquial.

17 JUDGE VON QUALEN: We don't feel that it would
18 be a time to cut off discovery. Generally here since
19 the purpose is to get a full record in front of the
20 Commission, discovery proceeds throughout a docketed
21 proceeding, so we aren't going to set a date for a
22 cutoff on discovery, at least not today.

1 MR. KELLY: Okay. Thank you, Your Honor.

2 JUDGE VON QUALEN: So, Mr. Kelly, is it CSI's
3 intention then to make another filing you said in
4 about 30 days?

5 MR. KELLY: Your Honor, that right now seems to
6 be a likely goal for CSI. Because this process has
7 been an evolving process in terms of the issues that
8 the petition has raised, I think CSI feels it's
9 appropriate that if these issues that staff and
10 intervenors have raised as the process has gone on,
11 if we can answer those with some amended pleading as
12 Your Honors have said, develop the best record we
13 can, I think that would probably be good for
14 everybody.

15 And so I think CSI's request this
16 morning is then for another status date roughly in 30
17 days, and by that time, I would hope that we would
18 either have a date certain to file some amendment to
19 our plan or have filed it already.

20 JUDGE VON QUALEN: All right. What we would
21 like to see when you do make this amended filing is a
22 complete plan so that we, the Commission and the

1 parties, can all know exactly what the plan is, and I
2 think we've discussed in other proceedings that we
3 would have to get something legislative so we would
4 know what has changed since the initial filing.

5 MR. KELLY: We recognize that, Your Honor, and
6 we'll take that to heart and certainly as we prepare
7 another filing keep those things in mind.

8 MR. HIRD: Your Honor, this is Rick Hird,
9 counsel for NG-911, Inc.

10 I just wanted to add that I support
11 the request of CSI. We are making substantial
12 progress, and I think we'll be able to address this
13 as Mr. Kelly has indicated.

14 JUDGE VON QUALEN: Very well.

15 Shall we go off the record to discuss
16 dates then for another status hearing?

17 Off the record.

18 (Whereupon an off-the-record
19 discussion transpired at this
20 time.)

21 JUDGE VON QUALEN: Back on the record.

22 While we were off the record, we had a

1 discussion regarding scheduling, and the parties have
2 indicated that they are available for another status
3 hearing on June 5th at 9 a.m.

4 Is there anything further we need to
5 discuss this morning?

6 MR. HARVEY: Nothing from staff, Your Honor.

7 MR. KELLY: Nothing from CSI, Your Honor.

8 MS. HERTEL: Nothing from AT&T Illinois, Your
9 Honor.

10 MR. HIRD: Nothing from NG-911, Inc.

11 JUDGE VON QUALEN: Then we will continue this
12 matter to June 5th at 9 a.m.

13 Thank you all. Thank you for the
14 telephone bridge.

15 MS. HERTEL: We'll use this bridge the next
16 time if that's acceptable to Your Honors.

17 JUDGE VON QUALEN: Thank you.

18 (Whereupon the hearing was
19 continued to June 5, 2013 at
20 9:00 a.m.)

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